

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/019,904 Confirmation No. 1012  
Applicants : Victor John Yannacone, Jr. et al.  
Filed : May 6, 2002  
Title : **METHOD AND APPARATUS FOR HIGH  
RESOLUTION DYNAMIC DIGITAL INFRARED  
IMAGING**  
Art Unit : 3737  
Examiner : Joel M. Lamprecht  
Customer No. : 28289

**DECLARATION UNDER 37 C.F.R. § 1.131**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Victor John Yannacone, Jr. hereby declare as follows:

1. Carol A. Yannacone, Benjamin A. Rousseau, Jacob Green, William B. Hobbins and I are the named inventors of the invention described and claimed in the above-captioned application. All right, title and interest in and to the application and the inventions and improvements therein disclosed have been assigned to me.

2. The above-captioned application is the national stage of international application no. PCT/US00/16851, filed June 20, 2000, which claims priority from United States provisional patent application no. 60/140,128, filed June 21, 1999.

3. Prior to October of 1998, I acquired thermal images in accordance with the teachings of the present application of individuals as part of a process of correlating these thermal images with actual clinical data acquired from the individuals. A copy of one of the thermal images that I acquired in accordance with the teachings of the present application prior to October of 1998 accompanies this Declaration.

4. Between the time prior to October of 1998 and the filing of the provisional application identified in paragraph 2 above, I correlated thermal images acquired prior to October of 1998 with actual clinical information acquired from the individuals who provided the thermal images.

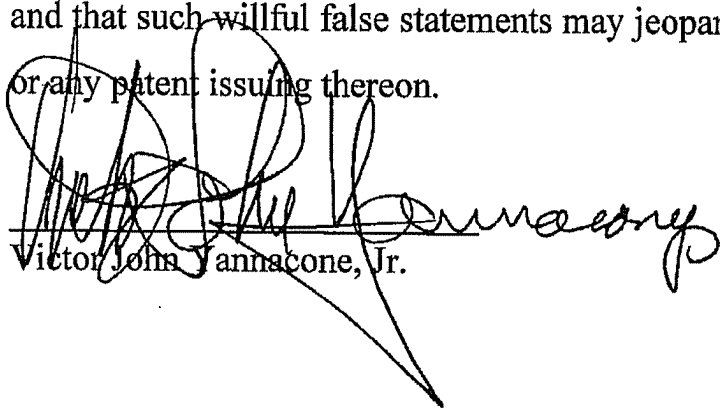
5. Moreover, between the time prior to October of 1998 and the filing of the provisional application identified in paragraph 2 above, I diligently conducted an ongoing investigation into the theory of the invention disclosed and claimed in the subject application in order to understand and refine the invention. This ongoing investigation included, without limitation, interviews of medical professionals and reviewing documents, such as medical, scientific and technical journals.

6. During this period there was considerable uncertainty in the scientific and medical communities concerning mammalian thermoregulatory processes and the role of the sympathetic or autonomic nervous system in mediating or modulating such processes. It was during this period that the discovery of neoangiogenesis as the fundamental process of supplying blood to neoplastic lesions occurred and only in early 1999 was this discovery confirmed and it was confirmed that neoangiogenic blood vessels supplying neoplastic lesions lacked any sympathetic nervous system control. This was the final element of the theoretical basis for the invention.

7. Based on my understanding of the invention which I learned from my investigation, in or about the spring of 1999 I was in a position to fully explain the invention to patent counsel at the law firm of Webb, Ziesenheim, Logsdon, Orkin and Hanson, P.C. (now "The Webb Law Firm, P.C."). Thereafter, I reviewed a number of drafts of the provisional application identified in paragraph 2 above prepared by patent counsel prior to it being filed on June 21, 1999.

8. The aforementioned activity and conduct demonstrates the required evidence of conception, diligence and reduction to practice of the present invention.

9. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
Victor John Vannacone, Jr.

22 September 2008  
Date

11630 patient ID

